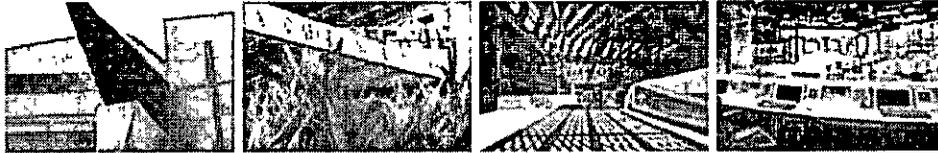


A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, February 15, 2007

+ [Back](#) [Print](#)

**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 39

Subject: C14-05-0112 - Riverside Neighborhood Plan - Tract 9 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1708, 1712 and 1720 South Lakeshore Drive (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First Reading approved on November 16, 2006. Vote 7-0 Second reading approved on December 14, 2006 Vote 7-0. Applicant and Agent. Neighborhood Planning and Zoning Department City Staff: Robert Heil, 974-2330.

**Additional Backup
Material**

(click to open)

- [Summary_Sheet](#)
- [Ordinance](#)
- [Maps](#)
- [Restrictive_Covenant](#)

For More Information:

**SUMMARY SHEET FOR TRACT 9
EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN
2-15-07 CITY COUNCIL**

Zoning Case: C14-05-0112 (Portion)

| | | | | | |
|--|---|---|---|---|---|
| <p>Tract # and Address: 9 1708, 1712, 1720 S Lakeshore Blvd</p> | <p>Current Zoning & Use MF-3 (multifamily residential)</p> | <p>City Council 1st Reading (11-16-06) 2nd Reading (12-14-06) GR-CO</p> <p>Conditional overlay for Tract 9. 1 No development within 100 feet of the shoreline, with the exception of utility crossings, drainage and water quality improvements, and the passive hike and bike trail 2 Maximum height of 60 feet</p> <p>Restrictive Covenant for combined site plan (including GR portion of 3.99 acres) 1 Compliance with the Commercial Design Standards 2 No gates 3 No development within 100 feet of shoreline, with the exception of utility crossings, drainage and water quality improvements, and the passive recreation hike and bike trail 4 Maximum height of 60 feet 5 30 foot easement for the hike and bike trail 6 Construction of the hike and bike trail prior to the issuance of a certificate of occupancy for a residential project 7 Public pedestrian access from the street to Town Lake on both the east and west sides 8 Minimum of 45 for-sale units (townhouses) 9 Maximum of 375 dwelling units for rental 10 Minimum of 10,000 SF of retail on E Riverside Drive 11 Increased off-site regional water quality controls</p> | <p>City Council 1st Reading (11-16-06) 2nd Reading (12-14-06) GR-CO</p> <p>Planning Commission Recommendation (9-26-06 Hearing)</p> | <p>Staff Recommendation</p> <p align="center">GR</p> | <p>Prospective Developer Recommendation</p> <p align="center">GR-CO</p> <p>Property owners/prospective developer agree to all conditions approved by Council at 1st Reading in the conditional overlay and the restrictive covenant. In addition, they have agreed to add</p> <p>5% of the rental units shall be affordable for 80% MFI for a period of no less than 40 years.</p> |
|--|---|---|---|---|---|

Existing Conditions

MF-3
6.95 acres
120 apartment units
63.9 % impervious cover

Located within the East Riverside Waterfront Overlay Subdistrict
100' primary setback
50 % impervious cover

Developer Proposal/Request

GR-CO
Develop a combined site plan of 10.94 acres with an adjacent GR portion (3.99 acres)
Limit the number of apartments to 375
5% of the 375 apartment units will be reserved for 80% MFI for 40 years
+/- 50 townhouses at 3 stories
10,000 SF retail
Construction of Hike and Bike Trail with public access

Notes

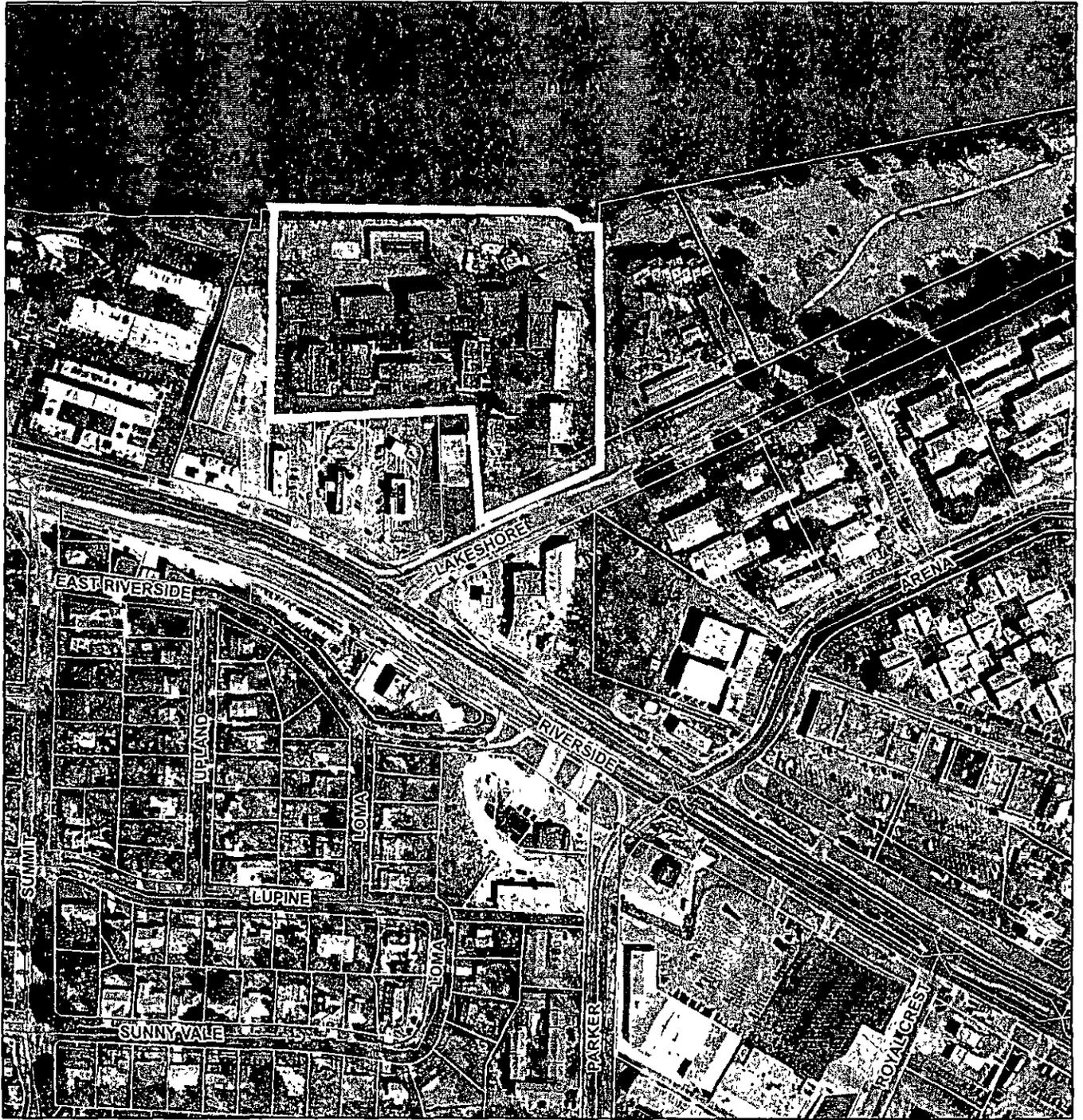
NPZD staff contacted Austin Water Utility regarding the possibility of moving existing water lines to allow the proposed development to be constructed closer to the right-of way (in accordance with the Commercial Design Standards). Austin Water Utility stated that the lines can be relocated

Exhibits:

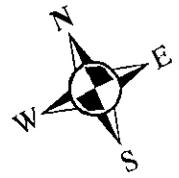
- A. Current Land Use & Zoning Map
- B. Aerial Map
- C. Tract Map
- D. Waterfront Overlay Map
- E. Waterfront Overlay Regulations (abbreviated for south shore)
- F. Restrictive Covenant
- G. Zoning Ordinance

Staff Contacts:

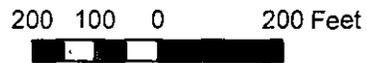
Zoning Case Manager: Robert Heil, 974-2330
Neighborhood Planner: Melissa Laursen, 974-7226

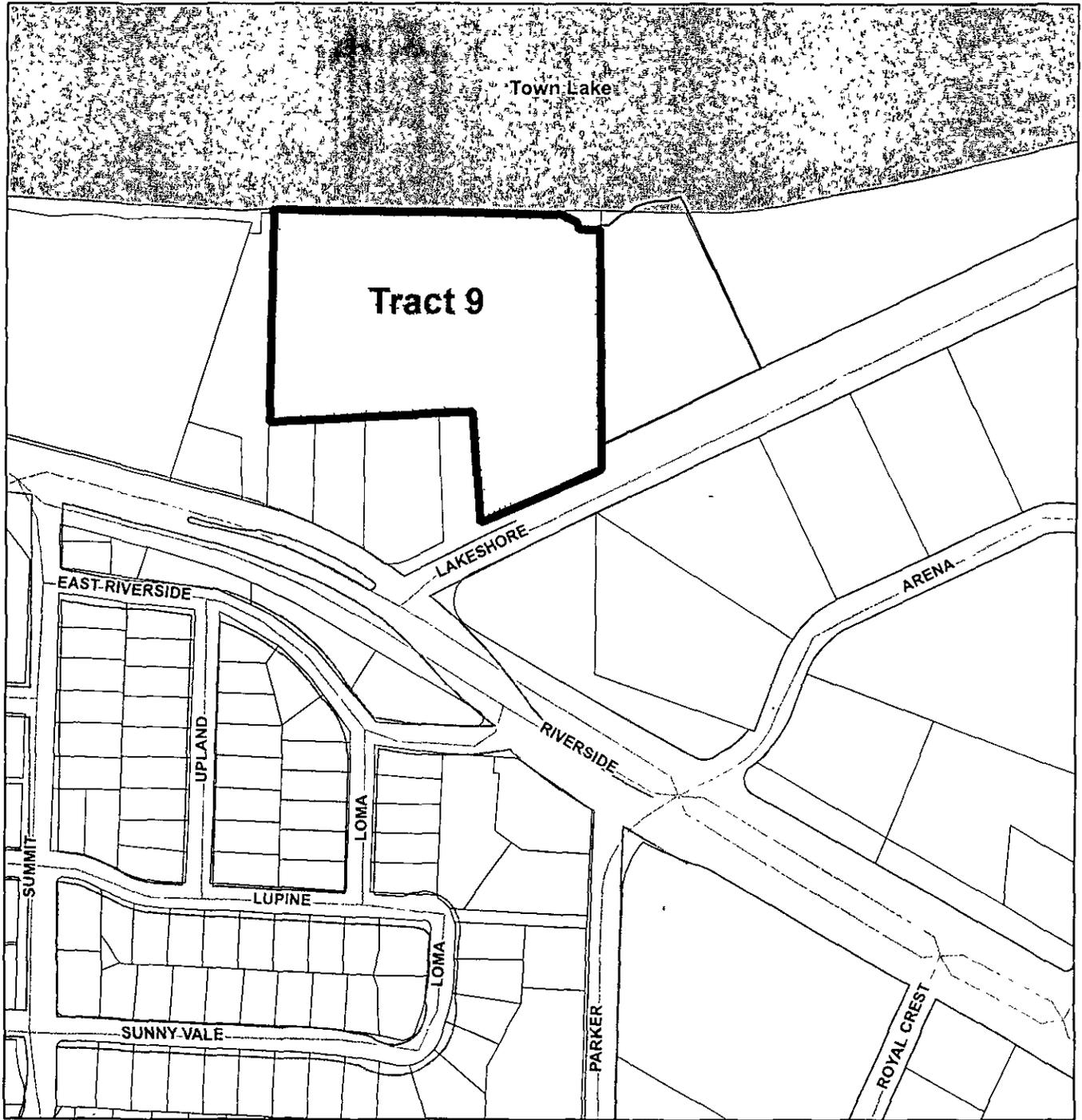


A Portion of the Riverside
Neighborhood Plan Combining District
Tract 9
Aerial View
Zoning Case #C-14-05-0112

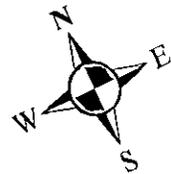


City of Austin
Neighborhood Planning and Zoning Department
August 1, 2006





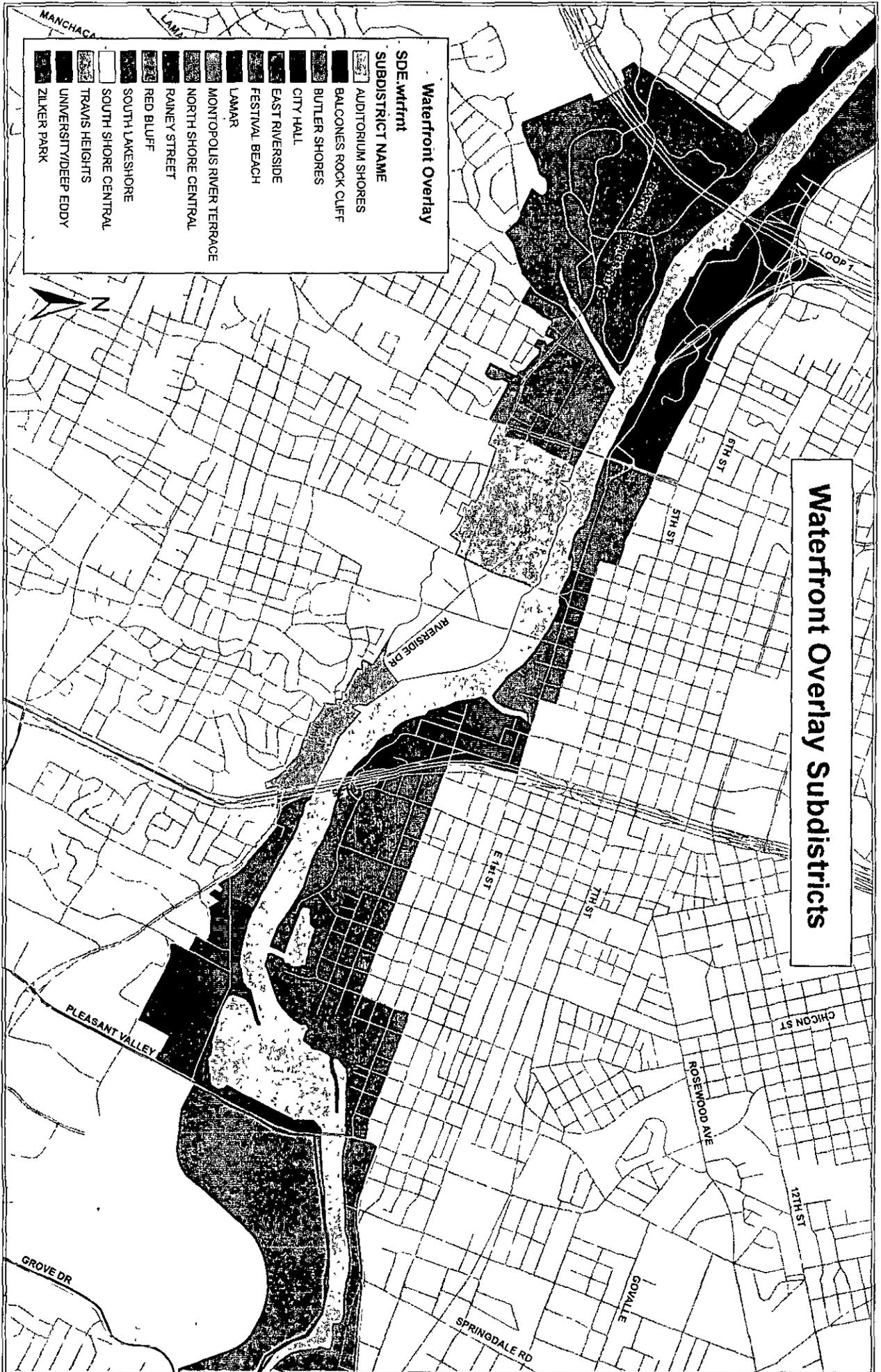
A Portion of the Riverside
 Neighborhood Plan Combining District
 Tract 9
 Zoning Case #C-14-05-0112



City of Austin
 Neighborhood Planning and Zoning Department
 August 1, 2006

200 100 0 200 Feet





Waterfront Overlay Subdistricts

| Waterfront Overlay | |
|--------------------|--------------------------|
| SDE: waterfront | SUBDISTRICT NAME |
| [Pattern] | AUDITORIUM SHORES |
| [Pattern] | BALCONIES ROCK CLIFF |
| [Pattern] | BUTLER SHORES |
| [Pattern] | CITY HALL |
| [Pattern] | EAST RIVERSIDE |
| [Pattern] | FESTIVAL BEACH |
| [Pattern] | LAMAR |
| [Pattern] | MONTOPOLIS RIVER TERRACE |
| [Pattern] | NORTH SHORE CENTRAL |
| [Pattern] | RAINEY STREET |
| [Pattern] | RED BLUFF |
| [Pattern] | SOUTH LAKESHORE |
| [Pattern] | SOUTH SHORE CENTRAL |
| [Pattern] | TRAVIS HEIGHTS |
| [Pattern] | UNIVERSITY/DEEP EDDY |
| [Pattern] | ZILKER PARK |

| SUBDISTRICT | PRIMARY SETBACK | SECONDARY SETBACK | IMPERVIOUS COVER |
|--------------------------|---|--|------------------|
| Auditorium Shores | 1200 feet from Town Lake shoreline | Northern boundary of Barton Springs Road | NA |
| Balcones Rock Cliff | 75 feet from Town Lake shoreline | NA | 30% |
| | 50 ft for single-family lot that is either zoned RR or at least 20,000 sf | | |
| Butler Shores | 100 ft from Town Lake shoreline | 100 ft from primary setback line of Town Lake | NA |
| | 35 ft south of Toomey Rd southern boundary | NA | |
| | 35 ft south of Barton Springs Rd southern boundary | | |
| | 35 ft north of Barton Springs Rd northern boundary | | |
| | 100 ft from the Barton Creek centerline | | |
| East Riverside | 100 ft from Town Lake | NA | 50% |
| Montopolis/River Terrace | 150 ft from the 430 ft contour line along the Colorado River | 100 ft from the primary setback line | NA |
| South Lakshore | 65 ft from Town Lake shoreline | NA | NA |
| | 50 ft south of Lakeshore Blvd | | |
| South Shore Central | 150 ft from Town Lake shoreline | 50 ft from primary setback line parallel to Town Lake shoreline | NA |
| | 80 ft from East Bouldin Creek centerline | 130 ft from primary setback line parallel to Town Lake shoreline | |
| | 35 ft north of Riverside Dr northern boundary | NA | |
| Travis Heights | 100 ft from Town Lake shoreline | NA | 50% |
| | 80 ft from East Bouldin Creek centerline | | |
| | 80 ft from Blunn Creek centerline | | |
| Zilker Park | 100 ft from Town Lake shoreline | 700 ft from primary setback line | 40% |

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1708, 1712, 1720 SOUTH LAKESHORE BOULEVARD
3 FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT TO
4 COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)
5 COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from multifamily residence medium density (MF-3) district to
11 community commercial-conditional overlay (GR-CO) combining district on the property
12 described in Zoning Case No. C14-05-0112, on file at the Neighborhood Planning and
13 Zoning Department, as follows:
14

15 A 6.926 acre tract of land, more or less, out of the Santiago Del Valle Grant, in
16 Travis County, the tract of land being more particularly described by metes and
17 bounds in Exhibit A attached and incorporated into this ordinance,
18

19 locally known as 1708, 1712, 1720 South Lakeshore Boulevard, in the City of Austin,
20 Travis County, Texas, also identified for purposes of this ordinance as Tract 9 (part), and
21 generally identified in the map attached as Exhibit "B".
22

23 PART 2. The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions:
25

- 26 1. The maximum height of a building or structure is 60 feet from ground level.
27
28 2. A 100-foot wide building setback shall be established from the shoreline of Town
29 Lake. Improvements permitted within this setback zone are limited to utility crossings,
30 drainage and water quality improvements, the hike and bike trail, or those
31 improvements that may be otherwise required by the City of Austin or specifically
32 authorized in this ordinance.
33

34 Except as specifically restricted under this ordinance, the Property may be developed and
35 used in accordance with the regulations established for the community commercial (GR)
36 base district and other applicable requirements of the City Code.
37

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PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006 §
 §
 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk

RESTRICTIVE COVENANT

OWNERS: Jimmy Nassour (Tract I)
Jimmy Nassour, Trustee (Tract II)
Stephen Oyster and Tina Oyster (Tract III)
Austin 1825 Fortview, Inc., a Texas corporation (Tracts IV, V, and VI)

ADDRESS: See Below

OWNER: Contessa Dormitory Associates, Ltd., a Texas limited partnership (6.926 acres)

ADDRESS: 3724 West Jefferson Street, Suite 306, Austin, Texas 78731

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 6.926 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit A attached and incorporated into this covenant; and

Tracts I, II, III, IV, V, VI, being those certain lots out of Riverside Divide Section 3 and Shamrock Addition, in the City of Austin, Travis County, as shown on Exhibit B attached and incorporated into this covenant.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. Development of the Property is subject to Ordinance No. 20060831-068 that established standards for commercial design, including the development bonuses provided in Section 4.3.4 of Subchapter E.
2. A driveway that provides vehicular access from a public right-of-way to the Property may not be gated.
3. A 100-foot wide building setback shall be established from the shoreline of Town Lake. Improvements permitted within this setback zone are limited to utility crossings, drainage and water quality improvements, the hike and bike trail, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this covenant.
4. The maximum height of a building or structure is 60 feet from ground level.

5. Owner is responsible for the construction of the hike and bike trail within a 30-foot wide easement to be provided by the Owner for this purpose prior to the issuance of a certificate of occupancy for a residential project.
6. Public pedestrian access shall be provided from East Riverside Drive and Lakeshore Boulevard to Town Lake on the east and west sides of the Property.
7. A minimum of 45 residential units shall be provided as for-sale properties.
8. A maximum of 375 dwelling units for rental may be constructed on the Property.
9. A minimum of 10,000 square feet of retail uses shall be provided along East Riverside Drive.
10. An area within the Property shall be provided to allow for regional water quality controls to capture, isolate and treat a minimum 10.94 acres of stormwater runoff from off-site contributing drainage areas. The owner will work with the Watershed Protection and Development Review Department staff to identify the opportunity available to capture and treat additional run-off. The size and location of the on-site water quality controls shall be agreed to and approved by the City. The water quality controls shall comply with the water quality control standards as set forth in Section 25-8-213 of the City Code.
11. Five percent of the residential units in the vertical mixed use (VMU) building shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 80 percent of the annual median family income (MFI).
12. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
13. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
14. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
15. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.
16. This Restrictive Covenant may be executed in any number of counterparts, each of which is deemed to be an original, and all of which are identical.

EXECUTED this the _____ day of _____, 2006.

OWNER(S):

6.926 acres (Exhibit A)

**Contessa Dormitory Associates, Ltd.
a Texas limited partnership**

By: ASC Development, L.C.
a Texas limited liability company,
its General Partner

By: Manny Farahani,
President

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ___ day of _____, 2006, by Manny Farahani, President of ASC Development, L.C., a Texas limited liability company, General Partner on behalf of Contessa Dormitory Associates, Ltd., a Texas limited partnership.

Notary Public, State of Texas

EXECUTED this the _____ day of _____, 2006.

OWNER(S):

Tract I (Exhibit B)

Jimmy Nassour
Address: 1200 San Antonio St.
Austin, TX 78701

Tract II (Exhibit B)

Jimmy Nassour, Trustee
Address: 1200 San Antonio St.
Austin, TX 78701

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ___ day of _____, 2006, by Jimmy Nassour.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ___ day of _____, 2006, by Jimmy Nassour, Trustee.

Notary Public, State of Texas

EXECUTED this the _____ day of _____, 2006.

OWNER(S):

Tract III (Exhibit B)

Stephen Oyster

Tina Oyster

Address: _____

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Stephen Oyster.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Tina Oyster.

Notary Public, State of Texas

EXECUTED this the _____ day of _____, 2006.

OWNER(S):

Tracts IV, V, VI (Exhibit B)

**Austin 1825 Fortview, Inc.
a Texas corporation**

By: _____

Name: _____

Title: _____

Address: _____

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by _____ of Austin 1825 Fortview, Inc., a Texas corporation, on behalf of the corporation.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal